

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MICHAEL S. LEWIS,	§
	§ No. 520, 2008
Defendant Below,	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for Sussex County
STATE OF DELAWARE,	§ Cr. ID 0706015657
	§
Plaintiff Below,	§
Appellee.	§

**ORDER**

This 4<sup>th</sup> day of February 2009, it appears to the Court that, on December 19, 2008, the Clerk issued a notice to show cause why this appeal should not be dismissed for appellant's failure to diligently prosecute his appeal by not filing his opening brief. The appellant responded to the notice. The Court wrote to appellant and directed him that the notice to show cause would be held in abeyance pending receipt of his opening brief on or before January 30, 2009. Appellant was informed that failure to file his opening brief by that date would result in dismissal of his appeal as unopposed. Appellant has failed to file his opening brief; therefore, dismissal of this action is deemed to be unopposed.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Supreme Court Rules 3(b) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/Henry duPont Ridgely  
Justice